

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Assaf DEKEL
Serial Number: 10/031,450
I.A. Filing Date: August 1, 2000
For: Method and Apparatus for Spinal Procedures

Commissioner of Patents and Trademarks
Washington DC 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

This is a response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed on April 1, 2002.

Enclosed herewith for filing are the following:

- A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US).
- A properly signed declaration in compliance with 37 CFR 1.497(a) and (b).
- A surcharge of \$65.00 for late filing of declaration.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notification of Missing Requirements Under 35 U.S.C. 371. The requested extension is for two months, from June 1, 2002 until August 1, 2002. Enclosed herewith is an extension fee of \$200.00. If an additional time extension is required, please consider this a petition therefor.

REMARKS

As the U.S. Patent and Trademark Office points out in the Notification of Missing Requirements dated April 1, 2002, the inventor's name in the original declaration filed in the above-referenced application was, inadvertently and without deceptive intent, set out in error.

The correct name should be Assaf DEKEL, in compliance with the published international application, and in accordance with the revised Declaration and Power of Attorney submitted herewith.

Furthermore, applicant points out that the additional claims have been canceled in a Preliminary Amendment being filed concurrently.

Please see attached transmittal letter for deposit account authorization.

Respectfully submitted,
Assaf DEKEL



Paul FENSTER, Reg. # 33,877

July 31, 2002
William H. Dippert, Esq.
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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Der. PCT
United States Patent and Trademark Office
Washington, D.C. 20531
www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/031,450 | Shmuel Dekel | 110/01309 |

INTERNATIONAL APPLICATION NO.

PCT/IL00/00458

| LA. FILING DATE | PRIORITY DATE |
|-----------------|---------------|
| 08/01/2000 | 08/01/1999 |

Tamir Kazaz
Disc-O-Tech Medical Technologies, Ltd.
3 Hasadnaot Street
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ISRAEL

Fenster & Co.

28-07-2002

Docketed by: YH

CONFIRMATION NO. 6918

371 FORMALITIES LETTER

0000000007734865

Date Mailed: 04/01/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Small Entity Statement

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
 - The inventor's name on the declaration is different to the name that is on the published International Application.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN

ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Additionally the following defects have been observed:

- Additional claim fees of \$36 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$101 for a Small Entity:

- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is \$36
 - \$36 for 40 total claims over 20,

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

WINSTON M ALVARADO

Telephone: (703) 305-6421

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/031,450 | PCT/IL00/00458 | 110/01309 |

TRANSMITTAL LETTER
(General - Patent Pending)10/031450
10/02/07

In Re Application Of: Assaf DEKEL

Serial No.

10/031,450

Filing Date

August 1, 2000

Examiner

Unknown

Group Art Unit

Unknown

Title: METHOD AND APPARATUS FOR SPINAL PROCEDURES

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Transmitted herewith is:

1. Response to Notification of Missing Requirements
2. Preliminary Amendment

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 03-3419 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$265.00
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

/09/2002 ATRAM

00000006 033419 10031450

200.00 CH
65.00 CH*Paul Fenster*
Signature

Dated: July 31, 2002

Paul FENSTER, Reg. No. 33,877

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 599 Lexington Avenue, 29th Floor
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CC:

I certify that this document and fee is being deposited on 7-31-02 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

William H. Dippert
 Signature of Person Mailing Correspondence

WILLIAM H. DIPPERT
 Typed or Printed Name of Person Mailing Correspondence